

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

JAN - 4 2005

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERKIN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

ANASAZI CULTURAL RESEARCH, et al.,

Plaintiff(s),

vs.

THOMAS ROBBINS, et al.,

Defendant(s).

ORDER DISMISSING WITHOUT
PREJUDICE

Case No. 2:04-CV-01055 PGC

In an earlier order to show cause, the court indicated its intention to dismiss the above-referenced action for lack of subject matter jurisdiction. Plaintiffs have opposed dismissal, arguing that jurisdiction exists because the action is in the nature of an interpleader and because at some point they will seek to have the case considered as a class action.

Contrary to plaintiffs' assertions, this action is not an interpleader under Fed.R.Civ.P. 22. And, to date, no class action complaint or motion for class certification has been filed with the court. Because the complaint before the court does not evidence complete diversity of citizenship as between all plaintiffs and all defendants, the court does not have subject matter jurisdiction over the action. And while plaintiffs may still have redress in the state courts, this federal action is dismissed without prejudice and the Clerk of Courts is directed to CLOSE this

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case.

DATED this 4th day of January, 2005.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Cassell', is written over a horizontal line.

Paul G. Cassell
United States District Judge

tsh

United States District Court
for the
District of Utah
January 5, 2005

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:04-cv-01055

True and correct copies of the attached were either mailed, faxed or e-mailed by the clerk to the following:

Mr. Paul J Young, Esq.
489 S 1650 E
SPRINGVILLE, UT 84663